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HUMAN RIGHTS COMMITTEE
Sixty-eighth session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE THIRD PERIODIC REPORT OF VENEZUELA

(CCPR/C/VEN/98/3)
(Core document: HRI/CORE/1/Add.3)

Adopted by the Human Rights Committee on 4 November 1999

Constitutional and legal framework within which the Covenant is implemented (arts. 1 and 2)

1. Please explain the current constitutional reform process, the extent of the powers vested in the Constituent Assembly and how these have been interpreted by the Supreme Court.

2. Please explain what decisions have been adopted by the Constituent Assembly with respect to Congress and to the exercise of legislative power.

3. Please explain what decisions have been adopted by the Constituent Assembly with respect to the judiciary. How is its independence guaranteed? Please explain the process and procedures that apply to the suspension and removal of judges.

4. Please provide information on cases where the provisions of the Covenant have been directly invoked before State organs, including the courts, and mentioned in judicial decisions or applied in precedence over a conflicting provision of domestic law. What is the status of the Covenant within the domestic legal order?

5. Please explain the measures adopted by the Constituent Assembly with regard to human rights, and with regard to bodies that monitor and guarantee rights.

Right to life, liberty and security of person, right to a fair trial (arts. 6, 7, 9 and 14)

6. Please explain what measures have been adopted to redress instances of excessive use of force by the police or armed forces, including extrajudicial killings, disappearances, arbitrary detention, torture and other abuses. Please provide details of the investigations carried out, if any, on these abuses and their results, including prosecutions, convictions and payment of compensation (report, paras. 63 and 107).

7. Please provide information on how the new Code of Criminal Procedure regulates the issue of lengthy pre-trial detention, particularly in view of the information that three quarters (report, para. 171) of those imprisoned are awaiting trial. Has the eight-day period of police detention been reduced (report, paras. 120-123, 145)?

8. Please explain the jurisdiction of the military courts and whether they are competent to try civilians, and also explain the competence ratione materiae of such courts. What procedural guarantees apply?

Treatment of persons under detention (art. 10)

9. What progress has been made to overcome the serious prison overcrowding and poor conditions, including the death of inmates due to diseases? What measures have been adopted to ensure that minimum standards are met in prisons? Please explain the effectiveness of measures to deal with violent riots in prisons and of programmes for training prison staff in human rights, and for submitting and investigating complaints of mistreatment in prisons (report, paras. 172, 186).

10. What provision is made in the case of juveniles to ensure that that procedures adopted and their conditions of detention take account of their age and the desirability of promoting their rehabilitation?

Gender equality, protection of the family and children (arts. 3, 23, 24 and 26)

11. Please clarify what factors impede the equal enjoyment of their rights by women. What have been the practical effects of the Equal Opportunities for Women Act in regard to equal pay and employment? Has the national office for the protection of women's rights been established and what is its mandate (report, para. 28)? Are there provisions to protect women from sexual harassment at work?

12. What powers have the courts, civil and criminal, to provide protection and remedies in cases of domestic violence? Are domestic violence and marital rape punishable under the Venezuelan Criminal Code? What programmes are in place to train law enforcement officers in dealing with cases of rape and domestic violence (report, para. 29)? Is marriage to a victim a defence to a charge of rape?

13. Please explain how the differing ages for marriage of males and females, the limits on remarriage by a woman and the differing rules for men and women in regard to the acquisition of citizenship by marriage are compatible with articles 3, 23 and 26 of the Covenant.

14. What practical measures have been taken to protect street children from violence and abuse by the security forces and to promote their well-being? What measures are being taken to protect children and young people from sexual exploitation and trafficking (report, para. 114)?

15. Please indicate the number of children in Venezuela (including indigenous and immigrant children) who do not have proper identity documents, and what practical steps have been taken to ensure that these children have equal access to public education, health care and other social services (report, paras. 363 and 367).

Interference in private life and discrimination (arts. 17 and 26)

16. Please explain the legislation applicable to homosexual relations in private between freely consenting adults. What steps have been taken to prohibit discrimination on the ground of sexual preference?

Rights of persons belonging to minorities (arts. 26 and 27)

17. What steps are being taken to ensure that members of indigenous communities have equal access to health services and to education in their own language and that they participate in decisions relating to their lands and to activities such as mining and logging which affect their traditional activities (report, paras. 408-414)? What provision is made to enable them to have access to the justice system through qualified interpreters?

Dissemination of information about the Covenant (art. 2)

18. Please provide information about education and training on the Covenant and its Optional Protocol provided to government officials, school teachers, judges, lawyers and police officials.

19. Please indicate the steps taken to disseminate information on the submission of the third periodic report and its consideration by the Committee.

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